Remarks

Response to Restriction Requirement

1. In the Office Action mailed June 26, 2007, the claims were divided into three groups: Group I, claims 1-10, drawn to drug delivery compositions; Group II, claims 11-13, drawn to methods of treating a patient; and Group III, claim 14, drawn to a method for making a drug delivery composition.

In response, applicants elect Group I, claims 1-10, with traverse. Claims 11-14 are canceled. Applicant reserves the right to pursuer claims 11-14 in one or more divisional applications.

Groups I and II are related

The Examiner alleges that Groups I and II are unrelated. Specifically, the Examiner alleges that the method of treating a patient in need of treatment can be practiced by a composition that is different from the composition of claim 1. As an example, the Examiner cited U.S. Patent No. 6,306,403 to Donovan, which describes methods for the temporary reduction of a dyskinesia of Parkinson's disease, involving the intracranial administration of a botulinum toxin into a globus palladius or into a ventrolateral thalamus, thereby reducing a dyskinesia of Parkinson's disease. Claim 11 defines a method for treating a patient in need comprising injecting s drug delivery composition comprising a polymer comprising esters or ester-anhydride bonds, wherein the polymer is formed from an unsaturated fatty acid and at least one alkane-dicarboxylic acid or alkyl hydroxy acid and a biologically active agent.

The claimed products are administered in liquid form and are able to release the drug for an extended period of time, for example, over several weeks. This extended

release results from an increase in viscosity of the polymer when placed in an aqueous medium, such as buffer solution, or tissue or biological media. The Examiner's reference to Donovan is irrelevant. The burden is on the Examiner to show that the two groups are distinct. The Examiner has not met her burden. Groups I and II are related and therefore should be examined together.

Group I and III are related

The Examiner alleges that Groups I and II are unrelated. Specifically, the Examiner alleges that the product as claimed can be made by a materially different process. However, the Examiner offers no evidence to support this conclusion. As discussed above, the composition contains a polymer and a biologically active agent. The polymer is formed from an unsaturated fatty acid and at least one alkane-dicarboxylic acid or alkyl hydroxy acid. The burden is on the Examiner to show that the two groups are distinct. The Examiner has not met her burden. Groups I and III are related and therefore should be examined together.

2. The Office Action also required election of a species from the poly(ester-anhydride) in claim 4. In response, applicants elect the poly(ester-anhydride) of sebacic acid and ricinoleic acid for examination without traverse.

Favorable consideration of claims 1-14 is respectfully solicited.

Respectfully submitted,

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